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App 1 IX 1

Previous References

ml 19-40-70, 71, 72

1944

Municipal

ml File No 22-44

Serial Nos 65, 66

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos Two

8

Part B for

April 45-

SUBJECT

Re: Taking possession of acquired property
the acquirers of the Thavatal Mastan Darga
in Cottonpet B' City. to be taken as
from 101 39

The ML Commr B' City
Comptroller

L 10226-9 dated 14 4 45-

Approves

2/5

4109 5357/844

Letter NO RA 76/4243/L A e 39/408 6-12 44
from the ml Commr. Brgy requesting
that the date of taking possession of the
acquired properties of the Thavakal Abastan
Darga in Cottonpet, Brgy be taken as
from 1-1-1939 as ordered by the High Court
that the payment of interest ~~of Rs~~ ^{ordered} in this behalf
The Law section will also be consulted

Subd for orders

WKS
12/11

In favor of *you* in
the matter

Amr seg. Law secy / *we* 22/11/45
JMT 29/11

Submitted-

The connected records
together with the points on which legal opinion
is required in - / kindly be sent

MMH

29/11

24/11/45
28/11

Amr seg.
15/11
21/11

2/11/45
JMT

The connected file is put up

Sanction is requested to the following -

- (1) The date of taking possession of the property
to be taken as 1-1-39 as ordered by the
High Court &
- (2) The payment of Rs 998-13-0 enhanced
compensation & interest at 6 per cent
& the payment of Rs 264-5-0 being the
amount payable to the party on account

of the execution proceedings taken
by him for the delay in making
payment

The delay in making the payment was
due to the objection taken by the auditors
in passing the bill

subject for orders.

UKS
8/3

Opinion is required in the
point is whether the date of
taking possession of property
may be taken as 1/1/39

Is whether the payment of enhanced
compensation should be made in the
circs stated

Prvt - Leg
Law sec w/ing for
8/3/39

Pay - 1 has to be
made as per the order of the
High Court, & Govt's approval not for
any other reason. Law Sec (7)

3
19/3
Cu -
19 3 1935

Mr. Jay
(8/3/39)
19/3

Prvt - Leg
Law Sec
19 3 1935

7415-
9/3/39
5/11/39

sequencing of notes belonging to 20
4/09 Herken darga in 20
13 at

subd with a draft to for appl

7 sep
26/2/45

10/6
23/3

Lawrence Low
28/1/45

Maybe approved - This
is in accordance with the
decree of the High Court

OFFICE OF THE MINISTER
FOR REVENUE & LA
27 MAR 1945
No 3777

Marked 22
11/4

Ans
26-3 43-
Ans
7-4 45-

B 2/5 26 66 Issued no L10228-98 14/4/45
J. J. J. J. J.

4107/2

44 22-44-65

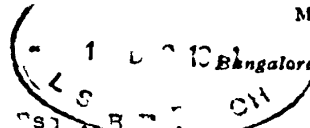
BANGALORE CITY MUNICIPALITY

MUNICIPAL OFFICES

No R A 76/42-43

L A C 39/40

Encl



Bangalore 8th December 1944

FROM

R Madhavan, Esq., B.A., B.L.,

~~PROSECUTOR GENERAL, BANGALORE~~

MUNICIPAL COMMISSIONER I/C

BANGALORE CITY

C Parayanaswamy Aaidu, Esq., B.A., B.L.,

LEGAL REMEMBRANCER & SECRETARY TO THE GOVERNMENT

OF HIS HIGHNESS THE MAHARAJA OF MYSORE

LAW DEPARTMENT BANGALORE

SIR

Subject - Regarding acquisition of properties belonging to Thavakal Mastan Darga in Cottonpet, Bangalore City

I have the honour to state that some properties belonging to Thavakal Mastan Darga in Cottonpet, Bangalore City were recently taken possession by this Municipality for widening the road in the year 1938 as per instructions of the Dewan Sahib without recourse to the regular acquisition proceedings.

Subsequently the acquisition was sanctioned and the properties were notified for acquisition in Government Order No. L 4417/41 19-40-71 dated 6-12-1940 and the award was passed for Rs. 5,077/- by the then Municipal Commissioner and the Land Acquisition Officer on 29-6-1941. As per request of the trustees of Thavakal Mastan Darga, the case was referred to the Sub Court under Section 18 of the Land Acquisition Act for adjudication. On the decree of the said court in L.A. No. 147/41-42, a sum of Rs. 48-3-0 towards enhanced compensation, interest and court cost was deposited on 27-8-1942. The decree holder again filed an appeal in the High Court against the Order of the Sub Court in L.A. No. 75/42-43 and the High Court revised the decree of the lower court and declared the date of possession of the property by this Municipality as 1-1-1939, and also ordered the payment of interest at 6% since the date of taking possession to the date of payment of the award amount as well as on the amount awarded by the Sub Court.

As per the High Court Order, a bill was prepared for the amount for settling the amount to the Sub Court but the Municipal Auditor took objection for the payment of interest from 1-1-1939 to the date of award i.e., 29-6-1941 for want of specific sanction of Government in this behalf. When the bill was referred to the Comptroller in Mysore, Bangalore for opinion regarding payment of interest.

The Comptroller was pleased to order payment pending approval of Government the date of possession i.e., 1-1-1939 as declared by the High Court. Accordingly, the bill was passed by the Audit and the amount deposited in the court on 18-4-1944.

While the payment of the decree amount was delayed for the above reasons, the decree holders, in the meantime, filed an execution in the Sub Court in L.A. No. 153/42-44. As per order of the said court, a further sum of Rs. 264-5-0 was deposited in the Sub Court on 7-9-1944 in full satisfaction of the High Court decree.

2500/15244

- 2 -

Under the above circumstances I request that the approval of Government may kindly be obtained regarding the date of taking possession of the land by this Municipality from 1-1-1939 (as declared by the 1st Court) and as well as for the payments already made in this case

I have the honour to be,
Sir
Your most obedient servant,


Municipal Commissioner %

mlt

No

Diary No of letter replied to

General and Revenue Secretariat

()
the 194

Section ml
File No 22-44
Serial No 66

Proceedings of the Government of
His Highness the Maharaja of Mysore

Date of issue 14-4-1945

Signed by Mr L R Rao

May this be—

- (i) printed?
- (ii) treated as a Standing Order?
- (iii) published in the Gazette
English Part?
- (iv) translated?
- (v) placed at the disposal of the Press?
- (vi) published in the Gazette
Kannada Part?

Read—Go NO L 4417-8/ml 19-40
71 of 6-12 1940 sanctioning
the acqu of a portion of the
property of the Yavakal
mastan Darga in
Cottonpet, Pory, required
for widening the road

2) Letter no Q.A 76/42
Order thereon No
43 of L A C 39/40 of 6-12-44
from the ml Commr, Pory
requesting, in the
circumstances stated,
sanction to treat the
date that the date of
taking possession of the
property referred to in the

Go read above he taken
as 1-1-1939 as ordered by
the High Court & that the payment (a)

of Rs 998 13-0 being the enhanced
compensation & interest at 6% from the date of taking
possession of the said property to the date of payment of the am
as ordered by the High Court & (b)
of Rs 264-50 towards the
costs of execution proceedings
taken by the party for the
delay in making the payment
be approved.

Order no. 1 10228-9

Approved

14/4/42

CU
26 3-45

List of Enclosures

for Secretary
KNS Law Dept

To the ml Commr, Pory, this 20th
The Comptroller ✓

Copied by

Examined by

pages 1-7

delegating
at 8:20am